

Remarks

In response to the non-final Office Action mailed December 2, 2004, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. By this paper, the Applicants have respectfully requested amending independent claim 19 and no other claims have been amended or canceled, such that claims 1-27 are pending.

The Examiner has set for the following objections and rejections: (1) Figure 1 is objected to for missing numerals and including duplicate reference numerals; (2) the specification is objected to for including informalities; (3) claims 3-7, 10-18, and 20-27 are objected to for including informalities; (4) claims 1-4, 8-14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.P.N. 5,751,282 to Girard (hereinafter the Girard patent) in view of U.S. Pub. No. 2002/0112007 to Wood (hereinafter the Wood application); (5) claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Girard patent in view of the Wood application and further in view of U.S.P.N. 5,589,892 to Knee (hereinafter the Knee patent); (6) claim 7 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Girard patent in view of the Wood application and further in view of U.S. Pub. No. 2001/0016947 to Nishikawa (hereinafter the Nishikawa application); (7) claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Girard patent in view of the Wood application and further in view of U.S.P.N. 6,642,939 to Vallone (hereinafter the Vallone patent); (8) claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Girard patent in view of the Wood application and further in view of U.S.P.N. 5,606,374 to Bertram (hereinafter the Bertram patent); (9) claims 19-21 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.P.N. 6,182,287 to Schneidewend (hereinafter the Schneidewend patent) in view of the Bertram patent; (10) claims 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schneidewend patent in view of the Bertram patent and further in view of the Nishikawa; and (11) claims 25 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schneidewend in view of the Bertram patent and further in view of the Knee patent.

Objections

Applicants respectfully submit that each of the objections are obviated in light of the amendments to the claims, drawings, and specification.

**Rejection of Claims 1-4, 8-14, and 16 Under 35 U.S.C.
§ 103(a) Over the Girard Patent and the Wood Application**

Claims 1-4, 8-14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Girard patent and the Wood application. This rejection applies to independent claims 1, 8, and 19 and dependent claims 2-4, 10-14, and 16. The Applicants respectfully submit that the proposed combination of the Girard patent and Wood application fail to teach each element recited in the independent claims. In more detail, neither the Girard patent nor the Wood application disclose a data locator being in communication with a set top terminal for accessing other network components and for providing broadcast programming to a subscriber through a television connected to the set-top terminal, wherein the data locator accesses data from memories located remotely from the data locator and in communication therewith through a network.

As noted by the Examiner, the Girard patent “fails to teach whether the system can interact with other network components.” (Page 5 of the Office Action) As noted above, the ability of the data locator to communicate with remotely located databases is critical to the claimed invention. To make up for the deficiencies of the Girard patent, the Examiner relies upon the teachings of the Wood application. The Examiner's reliance on the Wood application, however, is insufficient to teach each element of the claimed invention. In more detail, the Wood application fails to disclose a data locator that is capable of both providing broadcast programming to a subscriber and locating data from remote memories.

The Wood application merely relates to a system for storing messages on a message database so that a user can access the messages from a network device having capabilities to communicate with the message database. Importantly, the Wood application

fails to disclose any device capable of broadcasting programming to subscribers, let alone a device for both broadcasting programming and locating data on remote memories. The Applicants respectfully submit that the mere capability of the Wood application to store messages from different message recording devices, such as email devices, telephone devices, and the like, is insufficient to make up for the above-identified deficiencies of the Girard patent.

For the foregoing reasons, the Applicants respectfully submit that the combination of the Girard patent and the Wood application fail to teach each element recited in independent claims 1, 8, and 19. As such, the Applicants respectfully submit that these claims and dependent claims 2-4, 10-14, and 16, which depend therefrom include all of the limitations thereof, are patentable and nonobvious over the Girard patent and the Wood application.

**Rejection of Claims 5 and 6 Under 35 U.S.C. § 103(a)
Over the Girard Patent, the Wood Application, and the Knee Patent**

Claims 5 and 6 depend patentable independent claim 12, and as such, the Applicants respectfully submit that these claims are patentable at least for the same reasons as the independent claims from which they depend are patentable.

**Rejection of Claims 7 and 17 Under 35 U.S.C. § 103(a) Over
the Girard Patent, the Wood Application, and the Nishikawa Patent**

Claim 7 depends from patentable independent claim 1 and claim 17 depends from patentable independent claim 19, and as such, the Applicants respectfully submit that it is patentable at least for the same reasons as the independent claims from which they depend are patentable.

**Rejection of Claim 15 Under 35 U.S.C. § 103(a) Over the
Girard Patent, the Wood Application, and the Vallone Patent**

Claim 15 depends from patentable independent claim 9, and as such, the Applicants respectfully submit that it is patentable at least for the same reasons as the independent claim from which it depends is patentable.

**Rejection of Claim 18 Under 35 U.S.C. § 103(a) Over the
Girard Patent, the Wood Application, and the Bertram Patent**

Claim 18 depends from patentable independent claim 9, and as such, the Applicants respectfully submit that it is patentable at least for the same reasons as the independent claim from which it depends is patentable.

**Rejection of Claims 19-21 and 26 Under 35 U.S.C.
§ 103(a) Over the Schneidewend and Bertram Patents**

Claims 19-21 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schneidewend and Bertram patents. This rejection applies to independent claim 19 and dependent claims 20, 21, and 26. The Applicants respectfully submit that the proposed combination fails to teach accessing data stored on a database located remotely from a head-end unit according to a network address included within a broadcast stream and in response to receipt of a signal from an interactive television network subscriber.

The Schneidewend patent merely relates to a device operable at a customer location for managing service lists and navigating through multimedia services. It has nothing to do with a head-end unit (which is a device located remotely from user premises) or controlling the head-end unit to access data stored on a remotely located database according to a network address included within a broadcast stream and in response to receipt of a signal from an interactive television network subscriber and providing the remotely located data from the remote database to the head-end unit for delivery to the set-top terminal.

The Bertram patent merely relates to another customer location device for displaying menus on a video display. Like the Schneidewend patent, the Bertram patent has nothing to do with head-end units. As such, it fails to make up for the above-identified deficiencies of the Schneidewend patent.

For the foregoing reasons, the Applicants respectfully submit that independent claim 19, and dependent claims 20, 21, and 26, which depend therefrom include all of the limitations thereof, are patentable and nonobvious over the combination of the Schneidewend and Bertram patents.

**Rejection of Claims 22-24 Under 35 U.S.C. § 103(a)
Over the Schneidewend, Bertram, and Nishikawa Patents**

Claims 22-24 depend from patentable independent claim 19, as such, the Applicants respectfully submit that it is patentable for at least the same reasons as the independent claim from which it depends is patentable.

**Rejection Of Claims 25 and 27 Under 35 U.S.C. §
103(a) Over the Schneidewend, Bertram, and Knee Patents**

Claims 25 and 27 depend from patentable independent claim 19, and as such, the Applicants respectfully submit that they are patentable for at least the same reasons that the independent claim from which they depend are patentable.

Conclusion

For the foregoing reasons, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is kindly invited to contact the undersigned if it would further prosecution of this case to issue.

Respectfully submitted,

James R. Durke et al.

By


John R. Buser
Reg. No. 51,517
Attorney/Agent for Applicant

Date: 12-8-09

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 1 and 8. These sheets, which includes Figs. 1, 8 and 9, replaces the original sheets including Figs. 1, 8 and 9.

Attachment: Replacement Sheet